

REMARKS

Reconsideration of this application is requested in view of the following remarks.

Rejection under 35 U.S.C. §103

Claims 54-60, 62, 66 and 67 stand rejected under 35 U.S.C. §103 as being unpatentable over Badylak et al. (U.S. Patent No. 6,099,567) in view of Stinson et al. (U.S. Patent Application No. 2004/0111149).

Claim 54 is now directed to a device that includes a plurality of collagenous strips that are bonded to one another to form a layered structure. The layered structure includes a first collagenous strip and a second collagenous strip. The first collagenous strip has an exterior surface that opposes an exterior surface of the second collagenous strip. A radiopaque marker is positioned between the opposing exterior surfaces of the first collagenous strip and the second collagenous strip.

Claim 67 is now directed to a layered device that is prepared by a process that includes providing a first collagenous layer, a second collagenous layer and a radiopaque marker. The first collagenous layer is bonded to the second collagenous layer to form a layered structure. In the layered structure, an exterior surface of the first collagenous layer opposes an exterior surface of the second collagenous layer, and a radiopaque marker is located between the opposing exterior surfaces.

The original disclosure fully supports the amendments. Evidence of this support can be found throughout the specification and drawings. In particular, support for a plurality of strips or layers can be found, for example, at page 6, line 25. That passage describes Figure 4, which illustrates that an inventive device with a plurality of layers can include a first layer and a second layer. These layers can be combined, as shown, to form a layered structure.

These layers have exterior surfaces that oppose one another. A radiopaque marker can be positioned between the opposing exterior surfaces, as shown.

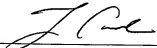
Stinson does not suggest positioning a radiopaque marker between opposing exterior surfaces, alone or in combination with Badylak. For at least this reason, withdrawal of this rejection is solicited. Claims 55-60, 62 and 66, being dependent upon claim 54, are therefore also patentable.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and allowance of the present application containing claims 54-60, 62 and 66-67. This response including claim amendments has been submitted in order to expedite the prosecution of this application, and is made without prejudice or admission in respect of the previously claimed subject matter or remarks in the Action.

Request for Interview

In the event that the Examiner finds any reason that the application cannot be allowed in its present form, the Applicant wishes to conduct an interview with the Examiner prior to any further action in order to provide an opportunity for coming to agreement upon allowable claims. To arrange the interview, the Examiner is requested to call the undersigned attorney at the telephone number given.

Respectfully submitted,

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